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The hon. Mr. A. R. KNAPP :—" May I ask, Sir, what becomes of the other two Amendments which we expected would come in later ? "

The hon. the PRESIDENT :—" The answer to that will be given after this Motion is disposed of. We have got the amended Motion now before the House."

The hon. Mr. A R. KNAPP :—" I only ask for information, Sir."

The hon. the PRESIDENT :—" For the information of the hon. Member I may tell him that if he reads the amendments of Mr. Sitarama Reddi and Mr. T. A. Ramalinga Chettiyar, he will see that they are entirely out of place with this Motion before the House. For instance, Mr. Ramalinga Chettiyar says :

' Omit the words beginning with wet rates '.

" In the amended Motion, we don't have the words ' wet rates ' at all. Similarly, Mr. Sitarama Reddi says :

' In line 4 for the figure " 5 " .'

but, as a matter of fact, the line 4 has disappeared in the amended Motion. So that the other two amendment Motions have completely fallen out."

The hon. Mr. A. R. KNAPP :—" That being so, Sir, I should like, if I may, to ask you that further debate on the amended Motion may be adjourned to some other day on the ground of short notice. We have had in fact no notice."

The hon. the PRESIDENT :—" To what date does the hon. Member want it to be adjourned ? "

The hon. Mr. A. R. KNAPP :—" I do not know for how many days the House is going to sit, Sir. Perhaps, the day after to-morrow may suit."

The hon. the PRESIDENT :—" I think the hon. Member had better formally move it."

The hon. Mr. A. R. KNAPP :—" I beg to move, Sir, that the further discussion of this Motion be adjourned to Thursday morning."

The hon. Mr. C. P. RAMASWAMI AYYAR :—" I second it."

The hon. the PRESIDENT :—" The Motion before the House is that further consideration of this Motion of Mr. Ranganatha Mudaliyar, as amended by Mr. Siva Rao, be adjourned to Thursday morning."

The Motion was put and carried.

The hon. the PRESIDENT :—" I shall have it put in the Agenda on Thursday morning."

APPOINTMENT OF A DEPUTY DIRECTOR OF AGRICULTURE AS PRINCIPAL OF THE AGRICULTURAL COLLEGE

Mr. A. RANGANATHA MUDALIYAR :—" The Resolution which I now move, Sir, runs as follows :—

6. *That this Council recommends to the Government that one of the Deputy Directors of Agriculture who is a graduate in Agriculture and possesses the necessary district experience be appointed as the Principal of the Agricultural College at Coimbatore.*

" Sir, the office of the Principal has hitherto been held by one who has had large district experience and who had been connected with the agricultural

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operations in the province. The present Principal is a research officer and I think his research work takes up all the time at his disposal and, therefore, he cannot be expected to discharge his duties as Principal satisfactorily. He has nothing whatever to do with teaching, so that he has no chance whatever of coming into any sort of contact with the students. He is an Economic Botanist working exclusively on paddy, which is one of the most important products in the Presidency. There is any amount of work to be done in that direction and I think he cannot, consistently with the proper discharge of his duty as an Economic Botanist, carry on in addition the work of the Principal. He is perhaps the seniormost officer at present and I think that is why this office of Principal was given to him. But I think mere seniority should not count in matters of this sort. I think the choice of the Principal has, to some extent, reflected on the attendance at the College also. I should like to know from the hon. the Minister for Development the number of admissions that have taken place in this College for the last three years, including the current year. He will find that this year there has been really a fall. I think it is necessary that the Principal should be one who has sufficient time to come in contact with the students and one who has sufficient acquaintance with the different kinds of agricultural operations that are taking place in the Presidency. All these points have been overlooked by appointing this gentleman as the Principal. That is why I say that we must have, as we had till now, an officer of large district experience—a Deputy Director of Agriculture, for the matter of that—who has sufficient leisure to come in contact with the students and otherwise help them in many directions."

Mr. P. PEDDIRAJU :—"I second it."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"Mr. President, I desire, with your leave, to raise a point of order in relation to this Motion, inasmuch as motions of this kind have to be regulated by some uniform procedure. Subject to check by my hon. Friend, Sir Charles Todhunter, and subject to verification, I feel fairly sure that this is one of the appointments which have to be made by His Excellency the Governor. Advice may be given to His Excellency the Governor by the Minister in regard to the making of this appointment, but such advice is merely advice. The appointment is by His Excellency the Governor. The question of the point of order which I desire to raise in this debate is whether, having regard to the prerogative of His Excellency the Governor in this matter, this topic may be allowed for discussion, viz., that the privilege of making these appointments may be directed by this Council to flow into particular channels and that persons chosen from a particular class, viz., A, B or C, alone should be eligible for these appointments. That is the question of order that I raise, Mr. President."

Diwan Bahadur M. KRISHNAN NAYAR :—"May I say one word, Sir, with reference to the point of order? After all, this Motion is only a recommendation to the Government. The hon. the Law Member stated that it was only advice that can be given by the Minister to His Excellency the Governor and the appointment was to be made by His Excellency and that, therefore, the Motion was out of order. What I say, Sir, in reply to that is, this Resolution itself is only a recommendation."

The hon. the PRESIDENT :—"To whom?"

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Diwan Bahadur M. Krishnan Nayar :—"To the Government, and His Excellency the Governor is the head of the Government. So that, after all, Sir, it is only an advice to the Government and it cannot certainly be more than an advice to His Excellency the Governor. Therefore, I submit, Sir, that there is nothing out of order in admitting this Resolution."

Mr. C. Ramalinga Reddi :—"May I say one word, Sir? I think, if I remember correctly, motions of this kind were allowed in the previous Council. I think that then we were proceeding . . . . . ."

The hon. the President :—"I should like to see the precedents."

Mr. C. Ramalinga Reddi :—"I think we discussed a number of questions pertaining to the higher appointments on the presumption—well or ill-founded, I cannot say—that the hon. the Ministers, so far as the Transferred Subjects were concerned, were in some way responsible. If, therefore, the hon. the Law Member now raises the question that with regard to these matters the responsibility rests solely with His Excellency the Governor, we are entitled to know whether in regard to the said appointments there has been any change of procedure recently adopted, or whether the old system under which even with regard to the Transferred Subjects ministerial responsibility was in point of fact, whatever it might have been in point of law, the reality still continues."

Mr. S. Satyamurti :—"May I say one word, Sir? Under the Government of India Act the Transferred Departments are administered—the actual words of the Act I believe, Sir, are,

'By the Governor acting with the Ministers.'

"And I presume, Sir, that the only way in which the opinion of this House can be brought to bear upon a matter of this kind is by making a recommendation to the Government, that is, the Ministers who form one half of the Government under the Statute. I, therefore, suggest that it has been conceded by the hon. the Law Member that the advice of the Minister is sought and is given and I think if this Motion is to be ruled out of order, those appointments will go out of the control altogether of this Council. I do not think the Government of India Act contemplated when it proposed to transfer departments to the popular Ministers that hereafter these appointments ought to cease to be under the control of this House to the extent to which Resolutions can be made as recommendations. I therefore submit, Sir, that the point of order of the hon. the Law Member is untenable and that this Resolution is therefore in order."

The hon. Mr. C. P. Ramaswami Ayyar :—"Mr. President, Sir, some confusion has been introduced into this debate by special advertence to the Transferred Departments. There is no distinction in this matter between Reserved Departments and Transferred Departments. In the matter of patronage, His Excellency is the sole source, just as the Crown is the sole source in England, of patronage and appointments In matters of policy he is guided in regard to the Reserved Subjects under the Government of India Act by the advice and, in certain statutory particulars, by the joint action of the Members of his Council. He is guided in the Transferred Departments by the advice of the Ministers. But this, viz., the power, the privilege and the prerogative of appointments, is a matter solely vested in the Governor;

and what I have said does not reflect on the Transferred Subjects in any sense in which it is sought to be interpreted as so reflective. Apart from the question of any particular practice or change of practice, I was only anxious to have it perfectly understood in this House whether in a matter which affects His Excellency's prerogative, that prerogative can be directed or deflected into particular channels by means of such motions as these."

The hon. the RAJA OF RAMNAD:—"I should like to ask for certain information from the hon. the Law Member. In regard to the appointments notified in the Gazette I find that most of those appointments are made by the Government, while some of them are made by His Excellency. We always find

'His Excellency the Governor is pleased to appoint' or 'the Government appoints' and so on.

I should like to know, Sir, whether there is any significance in that kind of publications."

The hon. the PRESIDENT:—"Does the hon. Member, Mr. C. V. Venkataramana Ayyangar, want to say anything on this conundrum?" (laughter).

Mr. C. V. VENKATARAMANA AYYANGAR:—"My suggestion is whether the Resolution may not be interpreted as a recommendation

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to the Government to make an advice to the Governor. The hon. the Law Member conceded that the Governor in making an appointment is generally advised by the Minister. The Minister means to us the Government. Therefore, our recommendation to the Government is that the Government might make such and such advice to His Excellency the Governor."

The hon. the PRESIDENT:—"I take it the hon. Member's idea is that it is a sort of double recommendation, first a recommendation to the Government and then a recommendation to the Governor through the Government. Is that the idea?"

Mr. C. V. VENKATARAMANA AYYANGAR:—"It will come to that, Sir. We only recommend to the Government that the Government do advise the Governor to make such and such an appointment. I think we are at perfect liberty to recommend to the Government to give such an advice to the Governor."

Rao Bahadur C. V. S. NARASIMHA RAJU:—"Mr. President, we have to distinguish between the acts of the Governor in his personal capacity by virtue of his prerogatives, and the acts of the Governor as head of the Government. But, whenever he acts in consultation with the Reserved half or the Transferred half, it is an act done by the Governor in pursuance of the provisions of the Government of India Act. There, it is clearly laid down that in all cases of Transferred Subjects, His Excellency the Governor acts in consultation with the Ministers, and therefore, if it is to be held or to be ruled by you, Sir, that all acts done by the Governor in pursuance of that wording of the Government of India Act are out of the purview of this Council, then there will be no scope for any discussion of any such resolutions in this House."

Mr. P. SIVA RAO:—"By this point of order, it is sought to take away from our purview all the appointments made by His Excellency."

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The hon. the PRESIDENT :—" Are they not already beyond your purview? I believe they are."

Mr. P. SIVA RAO :—" There is a distinction, Sir, about which a good deal of confusion has been made between the prerogative and the power of the Government. If the hon. the Law Member says that every time the power of appointment is exercised by His Excellency, whether he acts with the help of the Ministers or on the advice of his Executive Council, he must be said to be exercising his prerogative, then we can refute the hon. the Law Member by pointing out that this power of appointment is not an exercise of the prerogative. There are certain prerogatives which are well known. But this is only a power of appointment and this is not one of those prerogatives protected in any way by the Statute."

Rao Bahadur O. TANIKACHALA CHETTIYAR :—" Sir, owing to the extraordinary point of order raised after three years of existence of this Council, may I suggest that this subject might be adjourned for further consideration later on because this point strikes at the root of similar resolutions which have been discussed in this Council and passed. After all, it will take away one-third of the work of this Council if such a resolution is to be disallowed."

The hon. the PRESIDENT :—" I should think it will probably be convenient to the House to give me some time to look into this question and pass a ruling. Does the hon. Member, Mr. Ranganatha Mudaliyar, agree to the adjournment of this motion two or three days hence ? "

Mr. A. RANGANATHA MUDALIYAR :—" Yes, Sir."

The hon. the PRESIDENT :—" In the meantime, I would like Mr. Ramalinga Reddi to give me a list of precedents as he said that there were numerous precedents of similar motions on Transferred Subjects. I am sure Mr. Ramalinga Reddi, with his usual diligence, would have no difficulty in laying his hands on them."

Mr. C. RAMALINGA REDDI :—" Sir, my statement has been borne out by what my hon. Friend Mr. Tanikachala Chettiyar said. The thing is I never thought that a question of a point of order would be taken on a matter like this. I was speaking from memory. In fact, the hon. the Law Member has created the biggest surprise that our Council has had so far. As I said, I was speaking from memory. If it is said that these are all matters of prerogative, then I really wonder what the position of the Ministers should be. In the Joint Committee's Report, it is distinctly said that His Excellency the Governor acts on the advice of the Ministers. The Ministers can make their advice effective either by resigning or by doing some such thing. They are not bound to act as the secretaries to His Excellency. So we have a right to hold the Ministers responsible for these Transferred departments. If the question of prerogative is brought in, the Ministers are reduced to the position of secretaries or civil servants. It is a subject in which, I am sure, the Ministerial side and the Opposition will act in unison." (Laughter).

The hon. Mr. C. P. RAMASWAMI AYYAR :—" Mr. President, Sir, I desire that all things should be clearly understood. Firstly, that in raising this point of order I have not sought in any way to affect the responsibility of

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the Ministers or to minimise their very great functions in the matter of advice. I am as careful a guardian of their interests as the hon. Members of this House can possibly be. In the second place, I desire to be equally clearly understood that the point of order I am raising and the question I am desirous of bringing into definite shape is this: a recommendation such as this, that a particular appointment should be made from amongst the Deputy Directors of Agriculture who happen to be graduates in agriculture and possess the necessary district experience, amounts in effect to giving the Government or the Governor, according as the contention may be made, a restriction within which that appointment has to be made. It is a deflection of the right of appointing; it is the choice of the personnel that is sought to be affected in that way, and it is that I seek to have decided as a point of order."

The hon. the PRESIDENT:—"I fear that all this discussion we have been having for the last half an hour is irregular. Because, points of order are supposed to be decided by the President. On the other hand, we have the President himself asking for the opinions of hon. Members. I would like, if the hon. Member Mr. Ranganatha Mudaliyar has no objection, to have an adjournment of this question for two or three days."

Mr. A. RANGANATHA MUDALIYAR:—"As I already said, I have no objection for adjournment."

The hon. the PRESIDENT:—"Then, I will put this on the agenda for Friday morning, and I hope by that time to look into the authorities on the subject and say clearly what I think the rules are. Let us leave it at that. Now I will put the question of adjournment of this Motion to Friday morning, to the House."

The Motion for adjournment was put and agreed to, and the House then passed on to consider the next Motion on the agenda.

DAILY AND MILEAGE ALLOWANCES TO DISTRICT BOARD PRESIDENTS.

Mr. A. RANGANATHA MUDALIYAR:—"Mr. President, I beg to move—

7. *That this Council recommends to the Government that presidents of district boards be given a daily allowance of Rs. 7–8–0 for all halts and mileage allowance at 10 annas a mile for the first 25 miles and at half the rate for the remainder of the distance when the journey exceeds 20 miles.*

"I know, Sir, that at present presidents of district boards are treated as first-class officers and placed on the footing of district collectors. My Resolution thus introduces a distinction between the scale of travelling allowance paid to the first-class officers at present and the scale to be paid to district board presidents, as what I propose now would be less than what they are receiving at present. I tabled this Resolution deliberately with a view that, though perhaps the members of the services in their zeal for emoluments and other things may cling to extra and extravagant allowances, we at least Indians must set them an example of being content with a lower scale of allowances, so that the moral pressure we may so bring to bear may tell in the long run on other services and so that they may also fall in with us. It is with that object that I have brought forward this Resolution."